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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/013,978	11/29/2001	Kenneth M. Fallon	81525CEB	1859												
7590 Thomas H. Close Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201		10/01/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">HO, ANTHONY</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2815</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>10/01/2007</td><td>PAPER</td></tr></table>		EXAMINER		HO, ANTHONY		ART UNIT	PAPER NUMBER	2815		MAIL DATE	DELIVERY MODE	10/01/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/013,978	Applicant(s) FALLON ET AL.	
	Examiner Anthony Ho	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7, 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is in response to amendment to application no. 10/013978 filed on November 18, 2004.

Claims 1-10 are presented for examination.

### ***Drawings***

The drawings filed on November 18, 2004 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

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### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima (6,512,563) in view of Yamanaka et al (6,504,309) further in view of Kashiwazaki et al (6,339,461) further in view of Nagae et al (6,078,379) further in view of Kondo et al (2002/0114577).

Tajima discloses a method for producing ultrahigh resolution optical device panel where a super-resolution optical panel is fabricated such that a first circular transparent

electrode (13) is installed in the central region of a first substrate (11), an alignment layer is formed on the first circular transparent electrode (13), and alignment treatment is applied in the direction of the arrow A to the alignment layer, a second circular transparent electrode (16) is installed on a second substrate (12), an alignment layer is formed on the second circular transparent electrode (16), an alignment treatment is applied in a direction of an arrow B parallel with and opposite to a direction of an arrow B parallel with and opposite to a direction of an arrow A to the entire surface of the alignment layer, the alignment layer except a circular region at the center thereof is subsequently covered with resist, an alignment treatment is applied in a direction of an arrow C orthogonal to the direction of the arrow B only to the circular region at the center, the resist is subsequently removed, and twisted nematic liquid crystal is filled between the first substrate (11) and the second substrate (12), forming a twisted alignment region (21) and a parallel alignment region (22) (Figure 2; Figure 7; Abstract). Tajima fails to disclose the required plurality of holes structure, bonding structure, space between bonding structure, and the optical adhesive structure.

However, Yamanaka et al discloses a liquid crystal display device and method of manufacturing the same where the required plurality of holes structure is disclosed. The advantage is to obtain a semiconductor device having a simplified contact hole formation process (column 6).

Furthermore, Kashiwazaki et al discloses a method for forming spacers, manufacturing method for a color filter having spacers, and liquid crystal element formed by using the manufacturing method, where the required bonding structure is disclosed.

The advantage is to provide a liquid crystal element being excellent in display quality and having spacers, which are excellent in maintaining the cell gap and do not affect display (column 2, lines 25-32).

Nagae et al discloses a liquid crystal display device provided with seal material and spacer made of resist where the required space between the bonding structures is disclosed.

The advantage is to provide a liquid crystal display device having a high displaying quality with an improved production efficiency (column 4, lines 66-67).

Finally, Kondo et al discloses bonding structures for optical members where the required optical adhesive structure is disclosed.

The advantage is to prevent reduction in the optical axis-alignment precision of the semiconductor device (paragraph 0012).

Therefore, it would have been obvious to one of having ordinary skill in the art at the time the invention was made to have modified the optical device panel as taught by Tajima with the required plurality of holes structure, bonding structure, space between bonding structure, and the optical adhesive structure as taught by Yamanaka et al, Kashiwasaki et al, Nagae et al, and Kondo et al respectively in order to obtain a semiconductor device having a simplified contact hole formation process, to provide a liquid crystal element being excellent in display quality and having spacers, which are excellent in maintaining the cell gap and do not affect display, to provide a liquid crystal display device having a high displaying quality with an improved production efficiency,

and to prevent reduction in the optical axis-alignment precision of the semiconductor device.

***Allowable Subject Matter***

Claims 4-7 and 9-10 are allowed.

***Response to Arguments***

Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that it would not have been obvious to combine Tajima with Yamanaka et al, Kashiwazaki et al, Nagae et al and Kondo et al, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the advantage in using Yamanaka et al is to obtain a semiconductor device having a simplified contact hole formation process (column 6), the advantage in using Kashiwazaki et al is to provide a liquid crystal element being excellent in display quality and having spacers, which are excellent in maintaining the cell gap and do not affect display (column 2, lines 25-32), the advantage in using Nagae et al is to provide a liquid crystal display device having a high displaying quality with an improved production efficiency (column 4, lines 66-67), and finally, the advantage in using Kondo et al is to prevent reduction in the optical axis-alignment precision of the semiconductor device (paragraph 0012).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

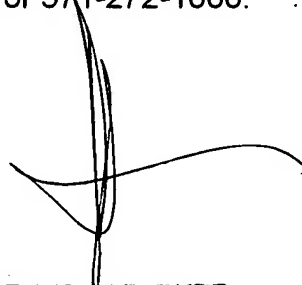
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Ho whose telephone number is 571-270-1432. The examiner can normally be reached on M-Th: 8:30AM-7:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH  
September 25, 2007

A handwritten signature in black ink, appearing to read 'K. Parker', is written over the printed name and title.

KENNETH PARKER  
SUPERVISORY PATENT EXAMINER